

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE HERLEY INDUSTRIES INC.
SECURITIES LITIGATION

CIVIL ACTION

No. 06-2596 (JRS)

CLASS ACTION

**PLAINTIFF'S MOTION *IN LIMINE* FOR A
DETERMINATION THAT PLAINTIFFS CAN TREAT ALL
CURRENT AND FORMER HERLEY EMPLOYEES AS ADVERSE WITNESSES**

Plaintiffs hereby move the Court for an order declaring that: (i) all current and former employees of Herley Industries, Inc. called by Plaintiff to testify at trial are adverse witnesses pursuant to Rule 611(c) of the Federal Rules of Evidence; and (ii) Plaintiffs are permitted to interrogate such witnesses through leading questions on both direct and cross examination. A memorandum of law in support of this motion, a proposed order and the Declaration of Jonathan Gardner are filed contemporaneously herewith.

Dated: April 7, 2010

Respectfully submitted,

By: /s/ Jonathan Gardner
Jonathan Gardner (*pro hac vice*)
Christopher Keller (*pro hac vice*)
LABATON SUCHAROW LLP
140 Broadway
New York, New York 10005
Telephone: (212) 907-0700
Facsimile: (212) 818-0477

Ira M. Press (*pro hac vice*)
Andrew M. McNeela (*pro hac vice*)
Sarah G. Lopez (*pro hac vice*)
KIRBY McINERNEY LLP
825 Third Avenue, 16th Floor
New York, New York 10022
Telephone: (212) 371-6600
Facsimile: (212) 751-2540

Co-Lead Counsel for Lead Plaintiff and the Class

Stanley P. Kops (SPK 6328)
LAW OFFICE OF STANLEY P. KOPS
102 Bala Avenue
Bala Cynwyd, Pennsylvania 19004
Telephone: (610) 949-9999
Facsimile: (610) 949-9773

Plaintiffs' Liaison Counsel